

REMARKS

The Applicant has carefully reviewed the Final Office Action mailed November 4, 2009 and offers the following remarks.

Claims 1-3, 7, 8, 10, 19-24, 28, 29, 31, and 40-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,454,206 B1 to *Phillips et al.* (hereinafter “*Phillips*”) in view of U.S. Patent Application Publication No. 2004/0081118 A1 to *Mukherjee et al.* (hereinafter “*Mukherjee*”). The Applicant respectfully traverses the rejection.

Prior to addressing the rejection, the Applicant provides herewith a brief summary of one embodiment of the present invention, where a personal communication device (PCD) that supports multiple packet-based communication identifications (IDs) is provided. Accordingly, communications using any of the packet-based communication IDs associated with the PCD can be established with the PCD. In an embodiment, the PCD may also be capable of communicating using cellular techniques. When the PCD is capable of communicating using cellular techniques, the PCD may have one or more cellular-based IDs, which may be managed in cooperation with the packet-based communication IDs used for packet-based communications. In an embodiment, each of the IDs is uniquely associated with distinct service nodes. None of the cited references disclose or suggest this feature. In fact, the Patent Office has agreed that *Phillips* does not disclose this feature.¹

In contrast, *Mukherjee* addresses problems associated with a subscriber who has various services, such as VPN services, but may not be able to access the VPN service if the subscriber is on a third party device.² If a subscriber may not be able to connect to a packet data serving node (PDSN) that has VPN services, then the subscriber is not able to access the VPN service.³ *Mukherjee* provides user oriented wireless services as opposed to device oriented services.⁴ Thus, *Mukherjee* touts as an advantage the fact that the services provided therein are completely independent of mobile devices and instead are dependent on the user. In particular, when a user desires a service, the user is first authenticated and then a packet control function packet data serving node routing controller (PPRC) selects an appropriate PDSN for the service requested by

¹ See Final Office Action mailed November 4, 2009, page 3.

² See *Mukherjee*, paragraph [0006].

³ See *Mukherjee*, paragraph [0006].

⁴ See *Mukherjee*, paragraph [0010].

the user.⁵ The techniques employed by the PPRC include an internal table lookup, a domain name server lookup, and a user profile database lookup.⁶ The PPRC then selects the best PDSN.⁷ However, the Applicant submits that *Mukherjee* does not disclose or suggest that unique IDs are associated with distinct service nodes.

Now turning to the rejection, when rejecting a claim under § 103, the Patent Office must either show that the prior art references teach or suggest all limitations of the claim or explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.⁸ The gap between the prior art and the claimed invention may not be “so great as to render the [claim] nonobvious to one reasonably skilled in the art.”⁹ In this case, the Patent Office has failed to show where each and every limitation of the claims is taught or suggested by the prior art. Further, for those limitations of the claims that are not taught or suggested by the prior art, the Patent Office has failed to explain why those limitations would have been obvious to one of ordinary skill in the art. More specifically, claim 1 recites a personal communication device comprising, among other features, a control system adapted to provide a plurality of packet communication clients associated with unique IDs, where “each of the unique IDs [are] uniquely associated with distinct service nodes.” Claim 22 includes similar features. The Applicant submits that neither reference, either alone or in combination, discloses or suggests providing a plurality of communication clients associated with unique IDs, where each of the unique IDs are uniquely associated with distinct service nodes. As correctly pointed out by the Patent Office, *Phillips* does not disclose this feature.¹⁰

Similarly, *Mukherjee* does not disclose or suggest providing a plurality of communication clients associated with unique IDs, where each of the unique IDs is uniquely associated with distinct service nodes. Nevertheless, the Patent Office maintains the rejection by asserting that *Mukherjee* discloses this feature in the Abstract and in paragraphs [0006], [0049]-[0052], [0058], [0059], and [0063]-[0066].¹¹ The Applicant respectfully disagrees. At most, as noted above, *Mukherjee* discloses that the best PDSN is selected for a service requested by a user. Thus, if anything, *Mukherjee* teaches away from a unique ID being uniquely associated with distinct

⁵ See *Mukherjee*, paragraphs [0063]-[0065].

⁶ See *Mukherjee*, paragraph [0065].

⁷ See *Mukherjee*, paragraph [0066].

⁸ *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418, 82 U.S.P.Q.2d (BNA) 1385, 1396 (2007).

⁹ *Dann v. Johnston*, 425 U.S. 219, 230, 189 U.S.P.Q. (BNA) 257, 261 (1976).

¹⁰ See Final Office Action mailed November 4, 2009, page 3.

¹¹ See Final Office Action mailed November 4, 2009, pages 3 and 4.

service nodes; in fact, *Mukherjee* teaches that any PDSN may be selected. More specifically, *Mukherjee* discloses that a service is associated with a particular user and this service may be assigned to any PDSN. Therefore, if anything, *Mukherjee* discloses that a user may be associated with any PDSN. As such, claims 1 and 22 are patentable over the cited references and the Applicant requests that the rejection be withdrawn. Likewise, claims 2, 3, 7, 8, 10, 19-21, 23, 24, 28, 29, 31, and 40-42, which depend from either claim 1 or claim 22, are patentable for at least the same reasons along with the novel features recited therein.

Claims 4-6, 11-18, 25-27, and 32-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Phillips* in view of *Mukherjee* and further in view of U.S. Patent Application Publication No. 2002/0128036 A1 to *Yach et al.* (hereinafter “*Yach*”). The Applicant respectfully traverses the rejection. As discussed above, claims 1 and 22, the base claims from which claims 4-6, 11-18, 25-27, and 32-39, variously depend, are patentable over *Phillips* and *Mukherjee*. In addition, *Yach* does not overcome the problems of both *Phillips* and *Mukherjee*. Accordingly, claims 4-6, 11-18, 25-27, and 32-39 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

Claims 9 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Phillips* in view of *Mukherjee* and further in view of U.S. Application Publication No. 2004/0122934 A1 to *Westman et al.* (hereinafter “*Westman*”). The Applicant respectfully traverses the rejection. As detailed above, claims 1 and 22, the base claims from which claims 9 and 30 respectively depend, are patentable over *Phillips* and *Mukherjee*. *Westman* does not cure the deficiencies of *Phillips* and *Mukherjee*. As such, claims 9 and 30 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

The present application is now in a condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicant’s representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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